



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: R.E. Scherrer, Inc.--Request for Reconsideration

File: B-231101.3

Date: September 21, 1988

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### DIGEST

Request for reconsideration is denied where request contains no statement of facts or legal grounds warranting reversal but merely restates arguments made by the protester and previously considered by the General Accounting Office.

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### DECISION

R.E. Scherrer, Inc. requests that we reconsider our decision, Midwest Contractors, Inc., et al., B-231101, et al., Aug. 8, 1988, 88-2 CPD ¶ \_\_\_\_\_. In that decision, we denied Scherrer's protest of an award to Schrudde and Zimmerman, Inc. under invitation for bids (IFB) No. GS-04P-88-EX-C0007, issued by the General Services Administration (GSA) for the extension and remodeling of a computer room and installation of a new uninterruptible power source (UPS) system at the Internal Revenue Service Center in Covington, Kentucky. We deny the request for reconsideration.

In its initial protest, Scherrer, as second low bidder, argued that the low bid was nonresponsive because it did not include a vendor letter relating to servicing the UPS equipment as specified in the solicitation. GSA argued that the requirement for the vendor letter involved bidder responsibility rather than responsiveness and that the letter therefore need not be submitted with the bid but could be submitted at any time prior to award. We concluded that the type of information required in the vendor letter was clearly a matter of responsibility since it related to the bidder's ability to have the maintenance services provided as required by the solicitation and that therefore, even though the IFB required submission of the vendor letter with the bid, Schrudde and Zimmerman properly could furnish the letter after bid opening.

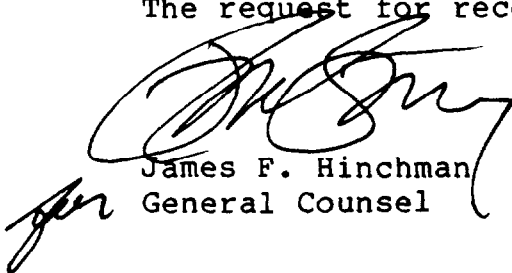
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In its reconsideration request, Scherrer again argues that the vendor letter required by the IFB pertained to matters relating to responsiveness as well as responsibility. According to Scherrer, that portion of the IFB which required the vendor letter to include information as to the operating history of similar UPS facilities was in fact a matter of responsiveness.

Under our Bid Protest Regulations, a party requesting reconsideration must show that our prior decision contains either errors of fact or law or that the protester has information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a) (1988). Repetition of arguments made during the original protest or mere disagreement with our decision does not meet this standard. See EG&G Washington Analytical Services Center, Inc.--Request for Reconsideration, B-231168.2, July 13, 1988, 88-2 CPD ¶ 46.

After reviewing the record and the reconsideration request, we conclude that Scherrer has merely repeated arguments made in its original protest and considered in our decision. Accordingly, we see no basis to disturb our original decision. In any event, Scherrer's argument that the vendor's operating history information was required to be submitted before bid opening is clearly without merit since the original IFB provision containing the requirement, paragraph 1.3 of section 16202, was later amended to specify that such information was to be provided by the contractor after contract award.

The request for reconsideration is denied.

  
James F. Hinchman  
General Counsel